



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,079	10/25/2001	Jay S. Dweck	G08.008	3920

28062 7590 03/24/2004

BUCKLEY, MASCHOFF, TALWALKAR LLC
5 ELM STREET
NEW CANAAN, CT 06840

EXAMINER

CHANG, SABRINA A

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,079

Applicant(s)

DWECK, JAY S. 

Examiner

Sabrina Chang

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 3625

DETAILED ACTION

Response to Amendment

Applicant's amendments to claims 1, 5, 12, 18 and 19 as well as cancellation of claims 6, 7 and 16 have been fully considered.

Response to Arguments

Applicant's arguments, see Paper 11, filed 12/15/03, with respect to the rejection(s) of claim(s) 1 - 19 under Gerace have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tamir et al.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 8–14, 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Tamir et al. US Patent Application Publication 2002/006,3735.

Tamir et al. discloses a system and method for tracking the activities of individual web users and dynamically tailoring their web browser and information according to their prior activity and preferences [Para. 006].

The process begins when the user downloads the client application to their desktop. From their desktop the user connects to the Internet and runs the client application. The client

Art Unit: 3625

application communicates with the server system [Figure 1, element 10]. If the user is new, the desktop system registers them with the server system otherwise the system recognizes the user as a prior user who is already registered (browser is associated with a user device).

After logging into the system, the user opens additional applications, including web browsers. As the user visits different web sites the corresponding browser transmits information about the user's activities at those sites to the system servers [Para. 0038]. The server system accesses a database and log files to determine the user's prior activities at the web sites, and generates instructions that optimize the user's web display applications for those sites based on 1) the web site the user is viewing, 2) the user's prior activity at that site, 3) the user's preferences and other factors [Para. 0038] (automatically reconfiguring said browser by adjusting network preference information associated with said user based at least in part on said characteristic).

The system records user activity over the Internet. The record stores the Page Type, identifying the category of URL – i.e. sports, finance, etc., as well as the amount of time the user spends at the URL. Using these fields the system records URLs visited by users, thereby creating a database from which the system generates user behavior information. The system uses these records to generate user behavior statistics and customize user client applications (measuring a characteristic of said network activity and automatically reconfiguring said browser by adjusting network preference information associated with said user based at least in part on said characteristic; repeat of detecting, measuring and reconfiguring for a plurality of network sites visited by the client device) – including total and average number of times the user visited a URL, the total and average duration the user spent at a URL, the peak times when the user

Art Unit: 3625

visited the URL, and the types of pages the user visited (identifying the network site with the greatest frequency of visits, greatest time spent by a client device). [Para. 0080-00884]. Tamir et al. also disclose the tracking and storage of new software applications, including information regarding the date and source – i.e. Internet address [Para. 0075] (number of downloads from a network site; inherently comprising identifying the network site having the greatest number of downloads by a client device).

The customized browser display includes the addition of web browser toolbars, web address windows, and messaging windows. The web browser toolbar extends the web browser to include buttons, input fields, pull-down menus and user interface elements available on the user's computer. A web address window displays preferred user web sites (presenting at least in part on said network preference information, information identifying at least a first alternative network site). A messaging window receives messages from the content servers and displays them to the user [Para. 0114]. The browser customization application also controls the browser height and width of communications displayed to the user, according to their preferences [Para. 0098] (inherently comprising adjusting characteristic based upon monitoring window size while viewing a network site and identifying a network site for which each client device selected the largest window size).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Tamir et al. US Patent Publication 2002/0063735 in view of Official Notice regarding web activity monitoring.

Tamir et al. does not explicitly disclose that the characteristic of user activity measured by the system includes the number of keystrokes entered into a client device while visiting a network site.

Tamir et al. does disclose a user's interactions at various websites. Examiner takes official notice that tracking a user's physical manipulation of a web site by their keystrokes – i.e. click-through patterns at a site – is notoriously known in the art of web monitoring. Such methods are regularly applied for marketing and profiling purposes to assess a user's interest in certain types of information and products thereby making it easier to customize and personalize future presentation of data. In that the system of Tamir is designed to provide a more personalized browser display to users, it would have been obvious to include the ability to modify a user's display based upon their keystroke interaction, as taught by official notice, in order to more accurately assess the user's interests and desires.

Conclusion

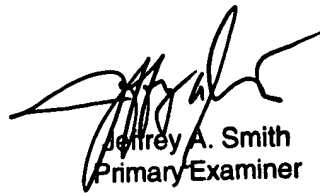
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703 308 3588. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3625

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC



Jeffrey A. Smith
Primary Examiner